

Text of Act No. 53-1270 of 24 December 1953 Amending and Supplementing the Provisions in Force Respecting the Suppression of the Traffic in and the Illicit Use of Narcotic Drugs

Whereas the National Assembly and the Council of the Republic have deliberated, and

The National Assembly has adopted,

Now, therefore, the President of the Republic hereby promulgates the following Act:

Article 1

Article 116, last paragraph, of the Pharmaceutical Code shall be replaced by the following provisions:

"Premises in which groups of persons use narcotic drugs or in which such drugs are illegally manufactured shall, in conformity with article 10, paragraph 2, of the Decree of 19-22 July 1791, be placed on the same footing as premises notoriously used for immoral purposes."

Article 2

Article 117, paragraph 2, of the Pharmaceutical Code shall be replaced by the following provisions:

" Any person who by means of a fictitious prescription or a prescription issued as an accommodation obtains or attempts to obtain one of the poisonous substances referred to in the said article."

Article 3

The following articles 117 bis and 117 ter shall be inserted in the Pharmaceutical Code:

"Article 117 bis. The penalties provided in article 116, including local banishment (interdiction de séjour), shall be doubled if the offence consists of the illicit manufacture of the poisonous substances referred to in the said article or the illicit cultivation of plants containing the active constituents of such substances.

"The same shall apply where a minor has been aided in the use of the said substances or where the said substances have been delivered to a minor in the circumstances referred to in article 117.

"Article 117 ter. Any person found to be using narcotic drugs and convicted of an offence mentioned

in article 116 or 117 may, by order of the examining magistrate (judge d'instruction), be compelled to undergo disintoxication treatment in a special institution, under conditions to be determined by public administrative regulations made upon the report of the Keeper of the Seals, Minister of Justice, and of the Minister of Public Health and Population and with the concurrence of a commission, the composition of which shall be determined by a joint order of the two ministers aforesaid.

"The majority of the members of this commission shall consist of representatives of the medical profession. The opinion of the commission on the proposed public administrative regulations aforesaid shall be valid only if one-half plus one of the members present at the time of the final vote are representatives of the medical profession.

"The aforesaid public administrative regulations shall specify the circumstances in which the State shall defray the cost of setting up the said institutions and the hospital and treatment expenses.

"Any person failing to comply with the aforementioned order of the examining magistrate shall be liable to imprisonment for a term of six days to two months and to a fine of 24,000 to 720,000 francs. These penalties shall not be combined with penalties imposed under article 116, 117 or 117 bis."

Article 4

Article 118 of the Pharmaceutical Code shall be replaced by the following provisions:

"In all cases provided for in this chapter, the court may order the confiscation of the substances seized: provided that where an offence is committed in a pharmaceutical undertaking, such confiscation may not be ordered if the offender is merely the responsible manager and the owner of the undertaking has not acted as an accomplice.

"In the cases provided for in article 116, first paragraph, and in article 117, second paragraph, the court may prohibit the offender, for a period not exceeding two years, from exercising the occupation in connexion with which the offence was committed. This period shall be extended to five years in the cases provided for in article 117 bis and the case of a repeated offence.

" In the cases provided for in article 116, fourth paragraph, the court shall order the confiscation of the substances, utensils, equipment, furniture and personal effects with which the premises are furnished and decorated and shall prohibit the offender, for a period to be determined by the court, from exercising the occupation under cover of which the offence was perpetrated.

"In the cases provided for in article 117 bis, first paragraph, the confiscation of the implements and equipment used for the manufacture and transport of the substances shall be ordered.

"Any person contravening an order prohibiting him from exercising his occupation, made under the second or third paragraph of this article shall be liable to imprisonment for a term of not less than six months nor more than two years and to a fine of not less than 240,000 nor more than 2,400,000 francs."

Article 5

Article 4, paragraph 2, of the Act of 9 November 1915 shall be amended as follows:

"2. Any person sentenced to imprisonment for a term of not less than one month for theft, receiving stolen goods, fraud, swindling, breach of trust, harbouring criminals, indecent exposure, incitement of minors to immorality, maintaining a gambling house, sale of falsified goods or goods injurious to health or an offence against a law or regulation concerning narcotic drugs, or for a repeated offence of assault and battery or public drunkenness."

Article 6

The provisions of title III, chapter I, of the Pharmaceutical Code shall apply to the overseas territories, Togoland and the Camerouns.

Article 7

Articles 1, 3 and 4 of this Act shall apply to Algeria.

Article 3, paragraph 3, of the Decree of 25 March 1901 respecting establishments in Algeria for the sale of alcoholic beverages shall be amended as follows:

"3. Any person sentenced to imprisonment for a term of not less than one month for theft, receiving stolen goods, fraud, swindling, breach of trust, harbouring criminals, indecent exposure, incitement of minors to immorality, maintaining a gambling house, sale of falsified goods or goods injurious to health or an offence against a law or regulation concerning narcotic drugs ..."

(The rest of the text shall remain unchanged).

Article 8

Article 6, paragraph b, of the instrument designated as Act of 16 August 1941 respecting the control of establishments in Martinique, Guadeloupe and French Guiana for the sale of alcoholic beverages shall be amended as follows:

"b. Any person sentenced to imprisonment for a term of not less than one month for theft, receiving stolen goods, fraud, swindling, breach of trust, harbouring criminals, indecent exposure, incitement of minors to immorality, maintaining a gambling house, sale of falsified goods or goods injurious to health or an offence against a law or regulation concerning narcotic drugs, or for a repeated offence of assault and battery or public drunkenness."

(Official journal of 25 December 1953 page 11535)